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Senator Tom Facey, SD 48

Montana Senate

PO Box 200500

Helena, MT 59620-0500

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**Executive Director**

John Wilkinson

Dear Senator Facey,

Re: SB 64, Senate Business, Labor and Economic Affairs Committee

NASW Montana supports SB 64 for 3 basic reasons:

1. Licensed Clinical Social Workers (LCSWs) are frequently asked by the court to conduct professional investigations relevant to parenting and family law concerns. Although hearings of this nature are often adversarial in nature, the due process rights of all parties are protected by each party's respective attorneys and judge. SB 64 gives "immunity from the disciplinary authority of the board ... to a person licensed by the board whenever the allegation of misconduct is based on testimony or opinions offered by the licensee with respect to judicial proceedings governed by Titles 40 (Family Law), 41 (Minors), or 42 (Adoptions)." We agree the courts provide the most effective forums for due process protections and believe the licensing board does not have the latitude to essential over ride them.
2. The Board of Social Work Examiners and Professional Counselors recently (November 16, 2012) increased its fees by \$210,111. On December 19, 2012 NASW MT asked the Board to provide a "basis" for their increases including the "extensive legal fees incurred" as one of the reasons cited as a basis for needing to increase fees to LCSWs, LCPCs and Marriage and Family Therapists. To date we have not received a response to our questions.
3. Although the Board of Social Work Examiners and Professional Counselors is one of 34 Professional licensing boards, the proportion of the complaints it investigates was considerably greater. In FY 10 & 11, the Professional licensing boards investigated about 23% of the complaints filed, while the Board of Social Work Examiners and Professional Counselors investigated 62% of the complaints filed. 84% of the complaints filed were dismissed in FY 11. Whereas the amount of time and resources these investigations required is not known, we remain quite concerned about their impact on the unprecedented fee increases experienced.

Whereas NASW Montana remains committed to responsibly regulating the profession of Clinical Social Work and the protections that licensure and regulation afford the public, we believe the demonstrated over zealousness of the board, and the broad boundaries it has used as grounds for a complaint need to be regulated by the statutory boundaries proposed in SB 64.

Thank you for the opportunity to testify in support of SB 64,

Sincerely  
John H. Wilkinson  
Executive Director  
NASW Montana